

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

In re Tyra Stokes,	)	
	)	Case No. 12-33058-MDM
	)	Chapter 13
Debtor.	)	
	)	
	)	

**NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

Tyra Stokes (“Debtor”) through her counsel, Michael J. Maloney and the Watton Law Group, has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing, which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 East Wisconsin Avenue  
Room 126  
Milwaukee, WI 53202-4581

<b>Michael J. Maloney, Esq. Watton Law Group 700 North Water Street, Suite 500 Milwaukee, WI 53202 Telephone (414) 273-6858 Facsimile (414) 273-6894</b>
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If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Michael J. Maloney, Esq.  
Watton Law Group  
700 North Water Street, Suite 500  
Milwaukee, WI 53202

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

### **REQUEST TO MODIFY CHAPTER 13 PLAN**

1. The Proponent of this modification is the Debtor;
2. This is a request to modify a Chapter 13 Plan (Select A. or B.)
  - A. ☒ post-confirmation;
  - B. ☐ pre-confirmation (Select i. or ii.);
    - i. ☐ Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
    - ii. ☐ Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are:

3. The Proponent wishes to modify the Chapter 13 Plan to do the following: to clarify the treatment of the claims filed by Capital One Auto Finance and Wisconsin Auto Title Loans

4. The reason(s) for the modification is/are: debtor wishes to surrender the collateral to Capital One Auto Finance and to resolve the concerns raised by the Trustee

5. Select A. or B.

A. ☒ The Chapter 13 Plan confirmed or last modified on March 4, 2015 is modified as follows:

B. ☐ The unconfirmed Chapter 13 Plan dated \_\_\_\_\_ is modified as follows:

Debtor surrenders the 2004 Cadillac CTS, for which she owes Capital One Auto Finance.

Wisconsin Auto Title Loans shall be paid \$300.00 for the 1997 Mercedes Benz, at 3.25% interest, by equal monthly payments of \$250.00.

Debtors' attorney will be filing an application for additional fees and expenses. If approved by the court, attorney's additional fees and expenses will be paid out of the percentage paid to general unsecured claims, thereby reducing the amount to general unsecured claims.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION  
CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER  
TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND  
PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED  
MODIFICATIONS.**

## **CERTIFICATION**

Complete one of the certifications below:

1. I, Michael Q. Tidey, attorney for the debtor Tyra Stokes, certify that I have reviewed the modification proposed above with the debtor, and that the debtor has authorized me to file it with the court.

/s/Michael Q. Tidey  
Counsel for the Debtor

March 27, 2015  
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Date: March 27, 2015

/s/ Michael Q. Tidey for  
Michael J. Watton, Esq.  
Watton Law Group  
700 North Water Street, Suite 500  
Milwaukee, Wisconsin 53202

Attorney for Debtor